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SPEECH

OF

HON. W. F. GILES, OF MARYLAND,

ON

THE OREGON QUESTION.

DELIVERED

IN THE HOUSE OF REPRESENTATIVES, FRIDAY, JANUARY 9, 1846.

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THE OREGON QUESTION.

The resolution from the Committee on Foreign Affairs, requiring the President to notify Great Britain of the intention of the United States to terminate the joint occupancy of Oregon, and to abrogate the convention of 1827, being under consideration in Committee of the Whole—

Mr. GILES, who was entitled to the floor, rose and said:

Mr. CHAIRMAN: There are some questions whose importance and whose greatness are such as to swallow up for a time all others, to chain the minds of men to their consideration, and to compel them to yield their undivided attention. Of such a character is the subject which we are now discussing.

Its importance is co-extensive with the American continent, and lasting as the American name. Its interest is felt, and its decision anxiously looked for, upon every spot where live the principles of American liberty. The merchant in his counting-house, the mechanic at his daily toil, the farmer as he tends the field of promise, the hunter as he presses over the boundless prairie; even the traveller, as he pursues his solitary way by the banks of the Columbia, feels its interest and looks anxiously for our decision.

But, sir, its importance goes further. As it relates to peace or war, it affects all Christendom. As it may involve two of the greatest commercial nations on the earth in war, it interests and affects every man, every civilized man, on whatever spot he may dwell. To-day, sir, our commerce whitens every sea. The industry and the enterprise of our countrymen have been made known in every part of the habitable globe. Our Christian philanthropy has planted the institutions of redeeming mercy in the centre of the great continent of Asia, in the isles of the Pacific, and even on the dark and dreary coast of western Africa, so cursed by "man's inhumanity to man." Am I in error, then, in saying that this question interests every civilized man? Or is it strange that an interest should be excited in this Hall which betokens the greatness and importance of the subject, and that even beauty should forsake, for a season, her gay and flowery walks to smile upon our deliberations?

It is a question which outrides all party distinctions, which sweeps away all party lines, and shows us that upon all great questions of foreign policy, we are, as a people, one in sentiment, as we are in history, and shall be one in destiny. I believe that when this great question comes up for final action, this House will be found unanimous in the pursuit of such measures as may be deemed necessary to meet the exigencies of the occasion.

However we may differ as to the initiatory steps proper for the assertion of our title, (and these are points on which I know there are honest differences of opinion amongst men of all parties,) yet when no other resource is left—when all negotiations fail—when all hope of settling the matter by treaty shall have passed away, and men come to consider what course we ought to take for the maintenance of that title, they will throw off the faded livery of party and put on the uniform of our common country.

Sir, the debate which we have had in this Hall has been gratifying to every American heart. There was only one portion of the argument which I regretted. I did deeply regret that the honorable gentleman from Ohio, [Mr. GIDDINGS,] who first addressed the committee, should have permitted himself to turn aside from this lofty theme, and hurl a shaft at one of the institutions of the country. But, sir, during the debate we have heard a voice, I might almost say, from the past. The venerable gentleman from Massachusetts [Mr. ADAMS] has spoken out: and I, for one, rejoiced to see that, although his locks are bleached with the frosts of more than seventy winters, yet the fires of patriotism still burn brightly on their ancient altar.

Mr. Chairman, I was one of those who were in favor of postponing the discussion of this great question, as proposed by the honorable chairman of the Committee on Foreign Affairs, [Mr. C. J. INGERSOLL.] I wished to see what would be the effect in England of the present aspect of the question, as it is presented in the late correspondence, which has brought from the archives of diplomacy into the full light of day, the fulness and clearness of our title—a correspondence which will add to the heretofore wide-spread fame of the Secretary of State; a fame whose laurels time—which corrodes and destroys so much of human achievement—will, year after year, only freshen and renew. After that correspondence, if we must go into this contest, we shall feel the full force of the sentiment:

"Thrice is he arm'd who hath his quarrel just."

If this contest is to come—for we are not permitted to lift the veil of futurity, and see what is in reserve for us—humanity will weep. The

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angel of peace will unfurl his fairy wing, and take his eagle flight to the sky. It will be a contest that will not only sweep from the ocean a vast portion of commerce, but will retard the great benevolent operations of the day, and, as I believe, arrest the march of civilization for more than half a century. It was for considerations such as these, that I was anxious to pause, that we might see whether our opponents would plant themselves directly in the face of the President's Message, of our title, and of the correspondence.

But the House has decided otherwise. We are here discussing this great question, and in a few days we must vote upon it. I shall now, therefore, briefly and plainly give to the committee the reasons which have operated on my mind, and which will induce me to vote for the resolution which the chairman of the Committee on Foreign Affairs submitted.

Much has been said about the consequences of a conflict between Great Britain and this country. If it comes—and I, for one, covet not for my country "the plumed troop, the big wars, the shrill trump, the spirit-stirring drum, the ear-piercing fife, and all the pride, pomp, and circumstance of glorious war"—but if it comes, it will do one thing for us that has not yet been mentioned: it will free us forever from the looms of Manchester and the workshops of Birmingham. It will emancipate us forever from the manufactures of Great Britain. She will lose one of her best customers; and *that* I believe to have been one of the great prevailing considerations which have hitherto held her in peaceful relations with us.

Mr. Chairman, after the most careful consideration which I have been able to give to this question, I conscientiously believe that, if war is to come, it will come whether you give this notice or not. I believe that we have now reached a point in the history of the Oregon territory which will no longer admit of this joint occupation. I should like to know from British statesmen how long this chrysalis state of civilization—this inchoate system of government—is, in this state of things, to last. It was very well in 1818—it was well in 1827—when this great country was used only as a place to receive from the Indian tribes the furs they collected, and as a place at which our whalemen and other ships might water. It was very well while Great Britain and ourselves merely used the territory for the purposes of commerce, without reference to actual settlement.

But, sir, in pursuance, I suppose, of that destiny to which my eloquent friend from Indiana referred the other day, whose onward progress we cannot resist, our people rapidly have passed to Oregon, not for the purpose of commerce, not to obtain the furs of that vast country, but to settle, to build houses, and to till the soil. In this state of things, look for a moment at the condition of Oregon. Our citizens are now there without a government, and without protection from the country. They are entitled to both. Refuse to pass a bill to provide that government and to give that protection, and what condition are you in? Why, if a British subject assaults and beats an American citizen, by whom, under the present system, (which some gentlemen wish to continue,) is he to be tried? By your American judiciary? No; but by a British court. If there is no British court near, then he is sent to some distant establishment of the Hudson Bay Company. Can any man believe that, looking to this conflict of jurisdiction, if it is continued, peace can longer be maintained? Daily and hourly must be the conflict. An American citizen is indebted to a citizen of Great Britain: where is he to be sued?—In an American court. If a British subject is indebted, he must be sued in a British court.

But the absurdity of the thing does not stop here. Our citizens have gone to that territory for the purpose of settlement. From whom are they to obtain their titles to the soil? The treaty says that the sovereignty is in abeyance. I appeal to the good sense of gentlemen to say, whether it can longer be left so? It has been said by travellers, that the coffin of Mahomet is suspended between heaven and earth; but a greater miracle will be seen if this matter of title to the sovereignty of this soil can longer be kept in abeyance. Whether you give the notice or abstain from giving it, a conflict must come unless this matter is arranged by treaty. That it may be so arranged, I fervently and sincerely hope. I do not see that the giving this notice can, in any manner, either advance or retard a settlement by treaty. I am for giving the notice, because we are bound to protect our citizens who have gone to that country upon the faith of that title which we have again and again asserted. I am in favor of giving it, because we must follow it up by provision for a government to protect and defend our citizens who have planted our banner on the shores of the Pacific. I am in favor of terminating this joint occupancy, because we cannot give an efficient government and a proper protection to our citizens whilst it remains.

But I am in favor of it for another reason. How many citizens, to-day, of the United States, are on the northern bank of the Columbia river? Not one, of whom I have any information! What is the reason? The British Government has now established there a regular system of government—the Hudson Bay Company, with their forts erected on the northern side of the Columbia, who so arrange matters that no American citizen shall make a permanent settlement on the northern side of that river. They have not, I learn, infringed upon the treaty; but, with their great power and wealth, and looking to the secrecy with which that company operates over the whole North American continent, they have brought other means to bear than that of force to turn the emigration from the United States south of the Columbia river. I will read an extract from a work which describes this organization. I quote from Greenhow:

"In addition to the assistance and protection 'thus received from the British Government, the 'constitution of the Hudson Bay Company is such 'as to secure the utmost degree of knowledge and 'prudence in its councils, and of readiness and ex-'actness in the execution of its orders. Its affairs 'are superintended by a governor, a deputy gov-'ernor, and a committee of directors, established 'at London, by whom all general orders and reg-'ulations are devised and issued, and all reports 'and accounts are examined and controlled. The 'proceedings of this body are enveloped in pro-'found secrecy, and the communications made to 'the Government in writing, which are likely to be

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Here, then, (continued Mr. G.,) is a perfect organization—an established government operating in favor of British subjects on the northern bank of the Columbia.

I am in favor of giving the notice for another and yet stronger reason. This matter has been again opened by negotiation. The American Government, in that spirit of liberality which has ever characterized its intercourse with foreign nations, has again, and for the fourth time, made the most liberal offers for a settlement of the controversy by compromise. The American Government has again proposed to divide this territory by the 49th parallel of latitude, which, in reference to the extent of territory on the northern and southern side, is a most liberal offer of compromise, and will be so pronounced by the diplomatists of Europe. It gives England nearly one-half of that magnificent territory. Did not the offer go even further than that? Let me read an extract from the letter of the Secretary of State, of the 12th of July, to the British Minister.

Mr. Buchanan says:

"He [the President] has therefore instructed the 'undersigned again to propose to the Government 'of Great Britain that the Oregon territory shall be 'divided between the two countries by the 49th 'parallel of north latitude, from the Rocky moun-'tains to the Pacific ocean."

That (said Mr. G.) was a most liberal offer, but it did not stop there. It further says:

"Offering, at the same time, to make free to 'Great Britain any port or ports on Vancouver's 'Island, south of this parallel, which the British 'Government may desire."

Can there (said Mr. G.) be a more liberal proposition than that which our Government thus submitted?

Why, sir, if one were unacquainted with the history of Great Britain, he would be struck with amazement that such a proposition should be rejected. But when we trace her history from the day that the Norman conqueror planted his iron heel upon that sea-girt isle, down the stream of time until the day that she chained her honor to the rock at St. Helena with its royal captive, when has Great Britain ever abandoned any claim of territory she has made, except she has obtained the lion's share by treaty, or has first tried the wager of battle? What is her proposition now? What has it always been? "Give me the north of the Columbia river. Give me two-thirds of this territory to which I acknowledge I have no claim; give me more than two-thirds of that territory in which I have never claimed the sovereignty of the soil." Now, sir, however we may differ upon the offer, or acceptance of the parallel of 49 degrees, I do not believe that, from Nova Scotia to Texas—from the Atlantic to the Pacific—there breathes a single man even this day who will ever permit Great Britain to come south of the 49th parallel.

Mr. Chairman, Great Britain is perfectly content with the joint occupancy. It effects all her objects; and she is willing to trust to time to give her all she wants. It gives her, Mr. Chairman, all she ever asked or contended for, as I shall show. The joint occupancy is all she ever asked or contended for. Now, what is the basis of her title? Why, sir, in the negotiation at London between Mr. Gallatin and the British plenipotentiaries, in 1827, what was the claim then advanced by Great Britain? Did she dream at that day of claiming any sovereignty of title to any part of the soil of Oregon? Let us hear her own Plenipotentiary. In his protocol, he holds this language:

"Great Britain *claims no exclusive sovereignty* '*over any portion of that territory.* Her present 'claim, not in respect to any part, but to the whole, 'is limited to a right of joint occupancy, in com-'mon with the other States, leaving the right of 'exclusive dominion in abeyance."

There is where she wants to leave it now. Why, sir? Why? *Because she has no title beyond that.* She never asked for anything but the joint occupancy. Well, upon what has she founded her claim? Why, at the close of this protocol, she holds this language:

"Such being the result of the recent negotiation, 'it only remains for Great Britain to maintain and 'uphold the qualified rights which she now pos-'sesses over the whole of the territory in question. 'These rights are recorded and defined in the con-'vention of Nootka. They embrace the right to 'navigate the waters of those countries, the right 'to settle in and over any part of them, and the 'right freely to trade with the inhabitants and oc-'cupiers of the same."

She claimed, then, no sovereignty, no title to the soil, but a right in that territory merely for the usual purposes of commerce; a right there to pursue her commercial operations, founded upon the treaty of Nootka Sound.

Well now, sir, that was her claim in 1827. That was the opinion of her Minister of her claim. Was it correct, or was it not? Can any man believe—if at that day she believed herself to possess any title to the soil of Oregon—it would not have been embraced in the protocol of her Plenipotentiary? She founded her claim upon the Nootka Sound treaty. Now, this protocol gives you the opinion of her Minister in 1827, that that treaty gave her no right to the soil—that it gave her but a "qualified" right. Was it in existence in 1827? Out of what did it grow? There is something about the history of that treaty which speaks a lesson as to the foreign policy of Great Britain. Why, sir, in 1790, the King of Great Britain made a communication to his Parliament, that two British vessels had been seized by the Spanish Governor upon the northwestern coast of America. Now, I ask gentlemen to look at the communication made to the Parliament of Great Britain upon the 5th of May, 1790, and which was the commencement of the Nootka Sound difficulty. Does any gentleman believe, if Great Britain at that day believed she had any claim to the soil, that when her King was speaking to his own Parliament he would not have alluded to it? That when he was calling down attention to an outrage committed on a portion of the citizens of his kingdom, he would not have spoken of it as being committed in a country over which he claimed the sovereignty, or in which he claimed the right of soil? But we hear not one word of this. He speaks of the injury to the vessels; but in the whole communication there is not one word that upon the soil of the country Great Britain had

any claim. He does not speak of the loss of lands. No, sir. He does not speak of the destruction of houses; but he complains of the capture of two ships and their cargoes. Well, Spain took great pains to clear up this matter. She behaved in a liberal and noble way; and she addressed a memorial to the courts of Europe in justification of her conduct, in which she holds this language:

"The high and menacing tone and manner in 'which the answer of the British minister was 'couched, at a time when no certain information of 'the particulars had arrived, made the Spanish 'Cabinet entertain some suspicions that it was made 'not so much for the purpose of the dispute in 'question, as a pretext to break entirely with our 'Court; for which reason it was thought necessary 'to take some precaution relative to the subject."

Well, sir, when affidavits came to be made in London to bring this claim properly before Parliament, the word "lands" is, for the first time, introduced. The Spanish Government took great pains; it obtained certificates of two American captains who were there at the time, not only giving the details of all the transactions, but to them is propounded the question, whether any buildings or lands were owned by Captain Meares, who was the complainant. Now, what did they say? Here is what they say: "Interim, we observe 'you wish to be acquainted what house or estab-'lishment Mr. Meares had at the time the Spaniards 'arrived there. We answer in a word, *none*." They had no land, nor no title to the soil. And yet you find, when the Nootka Sound treaty came to be made—made, no doubt, under the menace of a British fleet—that the word "lands" is introduced. But, taking that treaty—the whole and entire treaty together—it gives nothing, as I have said before, to the British Government but what her minister, in 1827, termed "qualified rights." Well now, sir, here is a view that has struck my mind, independent of the argument which is put forward by the Secretary of State, "that this 'treaty was entirely abrogated by the war which 'ensued between Spain and Great Britain." And it is this: that any grant from any Power to another, of a qualified right of that kind, must he taken to continue only so long as that qualified right can be fairly exercised in reference to the progress and settlement of the country. Spain never could have intended, and never did intend, to give to Great Britain, by that treaty, the right, if she should hereafter settle and cultivate that country, to any portion of its sovereignty. It was a right to trade on an uncivilized coast—a right for protection for her ships in storms—a right only which could be exercised without injury to Spain, while Spain had not yet settled upon the territory, but which could not be considered to extend beyond the period when Spain, or any other Power to whom she should transfer her sovereignty, should settle and cultivate that soil. So I read that treaty, sir. It is temporary from the very nature of things, and must have been intended to be ended when the state of the country had become entirely changed from what it was when the treaty was made. Now, upon that treaty of Nootka Sound, Great Britain plants herself, not claiming, as I said before, the sovereignty to one foot of the soil, but merely the right jointly to occupy it for the purpose of trade.

Mr. Chairman, in 1818, when the convention of that day was made, joint occupancy suited both the high contracting parties. In 1818, no citizen of the United States, except possibly those connected with the fur trade at Astoria, had become an inhabitant of that territory. Great Britain and the United States looked to its use merely as a place for carrying on the fur trade, and possibly as a place for watering their ships engaged in the whale fishery in the Pacific. Joint occupancy, then, was all that the United States wanted; joint occupancy was then, and is now, all that Great Britain wants. In 1827, things remained in the same condition; and that which was but temporary, by its own limitation, was made to continue during the pleasure of both parties. But what does it bear on its face? Why, it bears on its face the opinion of both the high contracting parties, that a period would come when this joint occupancy would no longer be advisable. It reserves the right for either party to terminate this joint occupancy upon twelve months' notice. They looked then, as they did in 1818, when they made this convention temporarily, they looked to the fact that the day would come when this joint occupancy would no longer exist. Now, I may be in error—we are liable to error—but I think, sir, that that day has arrived. Now, as I said before, we differ upon this initiatory step towards the assertion of our title. We differ, and I regret, Mr. Chairman, exceedingly, that I differ in opinion with a distinguished statesman in the other end of the Capitol, whose purity of life and comprehensiveness of intellect have marked him as one of the master-spirits of the age, and who has shed a halo around the American name; a man to whom the American people can point as the living model of what an American statesman should be. But we have all our individual responsibility. We are all bound to bring to the consideration of this question the best intelligence which nature and education have brought within our reach, and to follow out, after patient and retired study, the dictates of our own judgments. I believe, sir, the day has come for the cessation of this joint occupancy. Your Government has thought so too. She has again held out the olive-branch of peace to the Government across the water. She has again said to her opponent in this question, "Although we believe our title clear to the whole of this territory, yet we will, for the fourth time, offer to divide it with you by a parallel of latitude, which is the same that divides our territory from the Lake of the Woods to the Rocky mountains. We will extend this parallel to the Pacific ocean, and give you nearly one-half of this magnificent territory. We will give it to you, too, when you never claimed the sovereignty of the soil, but claimed merely its temporary occupancy." Sir, I believe that the rejection of that offer by the British Minister was rash and impolitic; and, I believe, over it humanity will weep.

Sir, the gentleman from Indiana who addressed the committee a day or two ago, asked where was the power of Congress, under the Constitution, to pass this resolution. I point him to section third, article fourth of the Constitution, which reads thus:

"The Congress shall have power to dispose of 'and make all needful rules and regulations re-

specting the territory or other property belonging to the United States."

Now, here is a power given in the Constitution to pass all rules and regulations respecting our territory. O, but, says the gentlemen, it belongs to the treaty-making power. But no conflict can ever come between Congress and the treaty-making power on a question of this kind to which Congress agrees. To whom is the power given under this resolution? To the House of Representatives, the President, and the Senate. Who is the treaty-making power? The President and Senate. Whatever, then, Congress approves, the treaty-making power will sanction. There can be no conflict between them.

The honorable gentleman from Alabama, [Mr. YANCEY,] to whose remarks I listened with so much delight—it was the glowing eloquence of the sunny South—asked what the late war had achieved. Sir, that was not a war for territory; it was a war for the freedom of the sea. Great Britain had claimed supremacy upon the ocean; and her poet had boastingly said of her—

> "Britannia needs no bulwark,
> No towers along the steep;
> Her march is o'er the mountain wave,
> Her home is on the deep."

We met her on that element; and again and again and again was the red cross of St. George struck before that starry banner around which cluster the gushing affections of our hearts. Yes, sir, upon it, before we entered that struggle, we inscribed "*Free trade and sailors' rights.*" They were gloriously, nobly maintained; and at the treaty of Ghent—over which was placed, as one of its ministering spirits, the venerable gentleman from Massachusetts, [Mr. ADAMS]—the American eagle flapped its wings triumphantly over the crouching lion.

Mr. Chairman, much has been said of what the West will do in case of a contest. I hope, I fervently hope, that this contest may not come; but if we are to have it—if we are to have the battle of the warrior "with confused noise and garments rolled in blood"—I tell my friends from the rich and glorious West, that those I have the honor to represent will not be found last when the muster roll is called. Sir, the patriotism and the valor of my constituents need no eulogium from me. They have been written on the field of battle with the heart's blood of the proud invader; and the same valor and the same patriotism which more than thirty years ago impelled them to throw themselves between their own loved homes and the warrior's desolation, which led them to encounter the veterans of Wellington, flushed with the victories of the Peninsula, animates their bosoms, and will again nerve their arms. Sir, in our infant struggle for liberty, in the army which carried us so successfully through that trying crisis, there was one division whose name has become an epitaph of glory. It was the Maryland Line—"first in the fight and last in the retreat." Although Howard, of Eutaw, and the gallant Smith, now sleep beneath the soil of that country which their efforts aided to redeem from a foreign bondage, their spirits walk abroad.

Mr. Chairman, I believe if this contest is to come, it will not be for a few miles of territory. It will be a strife between the monarchical principles of the Old World and the rising greatness of the Western Empire. Our light has become so bright as to be flashed across the ocean, and to light up the dark places of Europe; our glorious republican institutions have engendered a jealousy beyond the waters; and if the contest comes, it will be an effort to break down the resources, and to cripple the energies of this mighty nation. Sir, if this contest comes, I look down the distant future, and I see no speck or cloud upon our political horizon; no shade of doubt crosses my mind as to the final issue of that conflict; for

> "Freedom's battle once begun,
> Bequeathed from bleeding sire to son,
> Though baffled oft, is ever won."